



December 6, 2006

**Subject: The Land Development Ordinance Committee**

The Land Development Ordinance Committee (LDOC) met Wednesday, December 6, 2006, at 4 p.m., in the second floor Seminar Room located at The Plaza, 100 W. Innes Street, to discuss rewriting Salisbury's ordinance code. In attendance were George Busby, Bill Burgin (Co-chair), John Casey, Mark Lewis (Co-chair), Brian Miller, Jeff Smith, Bill Wagoner, and Victor Wallace.

**Absent:** Jake Alexander, Karen Alexander, Phil Conrad, Steve Fisher, and Rodney Queen

- ❖ Preston Mitchell noted that Johnny Safrit and Dee Dee Wright would no longer serve on the LDOC Committee

**Staff Present:** Janet Gapen, Dan Mikkelson, Preston Mitchell, David Phillips, Patrick Ritchie, Jewell Stokes, and John Vest

**The Meeting was called to order** with Bill Burgin (Co-chair) presiding. The minutes of the November 29, 2006, meeting were accepted as published.

It was decided that Chapter 4 and Chapter 5 would not be discussed at this meeting at the request of Rodney Queen who could not be present due to a medical procedure.

**CHAPTER SUMMARIES**

Dan Mikkelson presented the summary on Chapter 7, Recreational Open Space. Dan requested that the focus remain on the intent of the requirement, rather than the precise language. The committee has been getting bogged down lately debating language. Bill Burgin stated that any numeric value could be debated and altered if the committee agreed to the general format of the requirement.

**7.1 Purpose and Intent:** Recreational open space should be planned as usable, functional space, rather than simply being leftover space that cannot be built upon.

**7.2 Applicability:** Recreational open space is required if there are more than eight residential units, except in DMX, RR, and OSP districts. In mixed-use districts, the allocation of recreational open space may be delayed until the actual uses are established, and "payment in lieu of allocation" may be appropriate. Bill Wagoner and Victor Wallace had numerous questions regarding subdivisions and multiple parcels.

**7.3 General Provisions:** Recreational open space must be cleared and accessible, and is encouraged to be improved. The ownership of the open space must be clearly established.

Areas shown on the Parks and Recreation Master Plan as future parks may be left unimproved by the developer, if desired. George Busby asked if required buffers could be used for recreational space and was told they could not. He asked staff to confirm that buffers would not be inadvertently required between recreational open space and the residential property it was intended to serve. He also requested that a copy of the Parks and Recreation Master Plan be presented at a subsequent LDOC meeting. There was a lot of discussion on 7.3 (F) about the ambiguity of the phrase "where practical and feasible". Dan stated he didn't like that language, but he didn't want further delays from "word smithing."

7.4 Recreational Open Space Ownership: Ownership must be specified as either private or public. If public, the public agency must agree to accept maintenance responsibility.

7.5 Recreational Open Space Allocation: The committee reviewed the allocation charts on page 7-3. Dan stated that the introductory sentence would be edited to clarify the first chart (showing zoning districts) is applicable only to residential uses. The committee briefly reviewed the five types of recreational open space and the percent credit awarded for each type. The committee asked staff to clarify the method of measurement (straight-line distance from property line to property line) and to rename the "Public Accessibility Credit" column to "Public Ownership Credit". The committee agreed that RR, and OSP shall be in an exempt category with DMX.

7.6 Payment in Lieu of Allocation: was briefly explained as an option. It was brought to the attention of the committee that a developer could also use a combination of some allocation and some payment in lieu.

The committee agreed with the format of Chapter 7, but wants to have further discussion and consideration of the thresholds and percentages. There was concern that a 9-lot subdivision may be too small to justify recreational open space, and the percentages recommended may be too high. Staff handed out two data sheets for use by committee members. One sheet showed policies of other communities relative to recreational open space, and the other sheet showed how different percentages would (hypothetically) effect several recent developments in Salisbury.

At the end of the meeting, Preston Mitchell passed out a copy of Chapter 4 to the committee members.

There were no comments from the public, and the meeting was adjourned at 6:00 p.m.

JS